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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1993

Addendum

JORDAN

[25 May 1993]

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I. DEFINITION OF THE TERM "CHILD"

1. Jordan's various national legislative enactments are in conformity with the text of article 1 of the Convention on the Rights of the Child, in which a child is defined as every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier. In Jordanian legislation, a child is defined as follows:

(a) Article 43, paragraph 2, of the Jordanian Civil Code (Act No. 43 of 1976) defines the age of majority as 18 Gregorian years.

(b) The Education Act No. 27 of 1988 stipulates that the stage of basic education lasts until the age of 16. The age group for this stage is defined as 6 to 15 years and the age group for secondary education as 16 to 17 years.

Article 10 (b), of this Act stipulates that: "A student shall be admitted to the first year of the stage of basic education if he or she reaches the age of six years at the end of December of the academic year concerned."

Article 7, paragraph 1, of the above-mentioned Act further stipulates that the kindergarten stage, which lasts for a maximum period of two years, is open to children who have reached the age of three years and eight months.

(c) Article 2, paragraph 1, of the Jordanian Labour Code (Act No. 21 of 1960) defines the term "young person" as any person under 16 years of age. In accordance with article 46: "No woman or young person shall be permitted to engage in any type of work which the regulations classify as dangerous for either of them." In accordance with article 47: "No woman or young person shall be permitted to engage in night work during the period from 8 p.m. to 5 a.m." Article 48 imposes the following restrictions on the employment of children:

(i) No child under 13 years of age is permitted to engage in formal employment;

(ii) No child over 13 years of age is permitted to engage in formal employment unless he has obtained a certificate from a medical practitioner duly authorized to issue such certificates;

(iii) No child shall be employed on a formal basis for more than six hours a day.

(d) Article 5 of the Personal Status Act No. 61 of 1976 stipulates that eligibility for marriage is conditional on both parties being of sound mind. The groom must be at least 16 and the bride at least 15 years of age.

(e) Article 5 (b) of Act No. 2 of 1972, concerning service in the armed forces, stipulates that a person wishing to enlist in the armed forces must be at least 16 years of age in the case of a private soldier and 15 years of age in the case of a military cadet. With regard to compulsory enlistment in the armed forces, article 3 (a) of Act No. 23 of 1986, concerning military service

and service in the reserve, defines the age for such service as follows: "Every male Jordanian shall be liable for military service on reaching the age of 18 after the entry into force of this Act." This service is postponed in peacetime in the case of students studying at secondary schools or their equivalent in or outside the Kingdom, provided that the student's age does not exceed 21 years during the period of postponement (art. 9, para. 1 of the Act).

(f) Article 74 of the Code of Criminal Procedure (Act No. 9 of 1961) stipulates that the testimony of persons under 14 years of age may be heard, by way of information, without the need for them to take the oath as witnesses. Article 158, paragraph 1, further stipulates that the testimony of witnesses under 15 years of age may be heard in evidence, without the need for them to take the oath, if they manifestly have no comprehension of the true nature of the oath.

(g) Article 4 of the Juveniles Act No. 24 of 1968 stipulates that a juvenile remand home or any national institution which the Minister approves for that purpose is a place for the detention of juveniles. They may also be detained in prisons in the section set aside for juvenile detainees if they are found to be of bad character or refractory to an extent that precludes their placement in a remand home. Authority to order the detention of juveniles is vested solely in the courts. Article 20 further stipulates that, if the juvenile reaches the age of 18 before completing his sentence, he may be transferred to a prison to serve the remainder of his sentence by order of the court which sentenced him. On the basis of a written request from the Chief Probation Officer, the said court may extend the period of a juvenile's detention in the reform institution until he reaches the age of 19 so that he can complete the period of vocational training which he began in that institution.

(h) Under the terms of article 94, paragraph 1, of the Jordanian Penal Code (Act No. 16 of 1960), criminal proceedings cannot be brought against any person under seven years of age. Paragraph 2 further stipulates that no person under 18 years of age can be held criminally responsible unless it is found that, at the time of commission of the act, he was capable of knowing that he should not commit it.

(i) Two sets of regulations have been promulgated pursuant to article 4 of the Statutes of the Ministry of Social Affairs and Labour (Act No. 14 of 1956). The first (Regulation No. 34 of 1972), concerning the welfare of children from birth to the age of 18, regards the age of childhood as extending from birth to the age of 18. The second (Regulation No. 90 of 1973), concerning the Higher Council for the Welfare of Children and Young Persons, defines children and young persons as all male or female Jordanian citizens who, for the purposes of the Regulation, have not reached the age of 18 years (para. 2).

2. In addition to the above, the Government, represented by the Ministry of Social Affairs and Labour, which is now known as the Ministry of Social Development and plays a leading role in promoting the welfare of children

and young persons, has promulgated special regulations concerning juveniles (the Juveniles Act), article 2 of which contains the following terminological definitions:

Juvenile: Every male or female person over 7 but under 18 years of age.

Young person: Every person over 7 but under 18 years of age.

Adolescent: Every person over 12 but under 15 years of age.

Youth: Every person over 15 but under 18 years of age.

3. From the above, it is clear that the national legislation in force in regard to the definition of children and the age of childhood in Jordan is in conformity with the text of article 1 of the Convention on the Rights of the Child. In short, the age of childhood in most Jordanian legislative enactments extends to the age of 18, even though there may be differences in the terminology (child, young person, adolescent, juvenile).

II. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

4. The texts of the Jordanian Constitution, the National Charter and Jordanian legislation apply to Jordanians in general, without any discrimination on grounds such as sex, language, religion, age or colour. Article 6 of the Jordanian Constitution stipulates that Jordanians are equal before the law, without any discrimination among them in regard to their rights and obligations on grounds of race, language or religion. Section 1, paragraph 8, of the National Charter stipulates that all male and female Jordanians are equal before the law, without discrimination among them in regard to their rights and obligations on grounds of race, language or religion. Section 5, paragraph 5, further stipulates that children have the right to the highest possible standard of care and protection from their parents and the State so that Jordanian children can develop independent and cooperative personalities, without any discrimination between males and females.

5. In fulfilment of the basic obligations set forth in the International Convention on the Elimination of All Forms of Racial Discrimination, to which Jordan acceded on 30 May 1972, the Jordanian Government has diligently prohibited and eliminated all forms of racial discrimination and has endeavoured to ensure that all persons are equal before the law and enjoy all their rights without any discrimination on grounds of sex, colour, race or language. These rights include the following:

(a) The right to equal treatment before the courts;

(b) The right to security of person and protection by the State against violence or bodily harm;

(c) The right to leave and return to one's country;

(d) The right to a nationality;

(e) The right to marriage and choice of spouse;

(f) The right to own private property;

(g) The right to inherit;

(h) The right to freedom of thought, conscience and religion;

(i) The right to freedom of peaceful assembly and association (including the formation of children's associations);

(j) The right to public health and medical care;

(k) The right to education and training.

6. These rights are recognized in the various national legislative enactments (laws and regulations), since Jordanian society derives its values and ideals from the general body of Arab, Islamic and humanitarian values and relations among its members are based on the bonds of citizenship. Social progress is based on participation by all social groups and their institutions in the development and production process with a view to the achievement of integrated social development within the framework of freedom, equality and social justice.

B. Best interests of the child (art. 3)

7. Through its various enactments, the Jordanian legislature is diligently safeguarding the interests of children, particularly in matters of direct concern to them. For example, article 118, paragraph 1, of the Civil Code protects children through the following provision: "The acts of a child endowed with the power of discernment shall be valid if they are beneficial and invalid if they are purely detrimental." Under article 7 of the Personal Status Act,

> "It is prohibited to conclude a contract of marriage between a woman under 18 years of age and a prospective spouse who is more than 20 years older than her unless the magistrate ascertains that it is with her consent, by her free choice and in her best interests."

Under article 164 of the above-mentioned Act, concerning the question of the travel of children:

> "If the male or female guardian travels with the child to a town within the Kingdom, this shall not affect the guardian's right to custody of the child as long as such travel is not deemed to be detrimental to the best interests of the child. If it is deemed to be detrimental to the best interests of the child, such travel with the child shall be prohibited and the child shall be delivered into the custody of the other party."

Under article 166 of the same Act:

> "A woman who has been granted custody of a child shall not be permitted to take the child out of the Kingdom without the consent of the male guardian, nor shall she be permitted to do so until it has been ascertained that such travel is in the best interests of the child."

Under article 157, "If several persons have an equal right to request custody, the magistrate shall be empowered to choose the one who would be best for the child."

8. These provisions clearly show that the primary aim of this legislation is to further the interests of the child, particularly when the child's acts might have various differing effects and consequences. In regard to matters of custody and marriage, etc., primary concern is also shown for the best interests of the child.

C. The right to life, survival and development (art. 6)

9. Jordanian law protects this right and punishes anyone who violates it. This is done by safeguarding the child in all phases of its development, while it is being formed as an embryo in its mother's womb, after its birth and during the subsequent stages of its life.

10. Jordanian law prohibits abortion, which is designated as a punishable offence in article 321 of the Penal Code, which stipulates as follows: "Any woman who terminates her pregnancy by inducing an abortion or allowing another person to induce the said abortion shall be punished by imprisonment for six months to three years." Under article 322, paragraph 1, "Anyone who in any way induces an abortion in a woman with her consent shall be punished by imprisonment for one to three years." Under article 323, paragraph 1, "Anyone who deliberately causes a woman to have a miscarriage without her consent shall be punished by a term of up to 10 years' hard labour."

11. Under article 325: "If the perpetrator of the offences referred to in this section (Abortion) is a physician, a surgeon, a pharmacist or a midwife, the prescribed penalty shall be increased by one third." Under article 17, paragraph 2, "If a women who has been sentenced to death is found to be pregnant, the death sentence shall be commuted to hard labour." This applies to cases in which the child is still in its mother's womb. With regard to the post-natal period, article 289 stipulates as follows:

> "Anyone who, without a legitimate or valid reason, abandons a child under two years of age in such a way as to endanger its life or in a manner likely to permanently impair its health shall be punished by imprisonment for one to three years."

Under article 331:

> "If a woman, through a deliberate act or omission, causes the death of her newborn child during the first year of its life in such a way as to merit the death penalty and if the court is satisfied that, at the time

> when she caused its death, she had not fully recovered her senses and was still suffering from the effects of its delivery or subsequent breast-feeding, the death penalty shall be commuted to a term of not less than five years' detention."

Under article 332, "A mother who, through a deliberate act or omission, causes the death of her illegitimate child after its birth in order to guard against dishonour shall be punished by a term of not less than five years' detention." Under article 326, "Anyone who deliberately kills a human being shall be punished by a term of 15 years' hard labour." Under article 328, paragraph 3: "The death penalty shall be imposed for wilful murder if the victim is one of the perpetrator's ascendants." Finally, under article 343, "Anyone who causes the death of another person through negligence, lack of caution or failure to respect the laws and regulations shall be punished by imprisonment for six months to three years."

12. Article 150 of the Personal Status Act stipulates as follows:

> "The mother has an obligation to breast-feed her child and shall be forced to do so if neither the child nor its father possesses sufficient money to hire a wet-nurse and if no other female volunteers to undertake that task, or if the father has no one other than its mother to suckle it or if it does not accept the breast of another woman."

Under article 151, "If the mother refuses to breast-feed her child under the circumstances in which she is obliged to do so, the father must hire a wet-nurse to suckle the child in her home." In addition to the above, the Government has formulated national strategies and programmes in the health, education, environmental and cultural sectors to safeguard the child's survival and development.

D. Respect for the views of the child (art. 12)

13. Article 15, paragraph 1, of the Constitution stipulates as follows: "The State shall guarantee freedom of opinion and every Jordanian shall be free to express his opinion orally, in writing, pictorially or through any other form of expression permitted by law." Under section 1, paragraph 7, of the National Charter:

> "Respect for the mind, belief in dialogue, recognition of the right of others to hold differing opinions and of the need to respect the opinion of others, tolerance and rejection of political and social violence are basic characteristics of Jordanian society ...".

Freedom to hold and express opinion is an inherent right of the human person and personal freedom must be safeguarded (art. 7 of the Constitution).

14. In practice, freedom of opinion is safeguarded within the limits of the laws in force. This freedom is enjoyed by all members of society, including children, who constitute a large proportion of the population, and the media transmit all forms of information and ideas, without any restrictions, to all members of Jordanian society.

15. The Government is diligently protecting this freedom within specified limits so that it will not have adverse effects on society by promoting intercommunal or racial hatred, disseminating propaganda for war or prejudicing national security.

III. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality (art. 7)

16. Under article 5 of the Jordanian Constitution: "Jordanian nationality shall be defined by law." This matter is regulated by the Jordanian Nationality Act No. 6 of 1954, which stipulates that the child has a right to a nationality. Under the terms of this Act, Jordanian nationality is enjoyed by all the following persons:

(i) Anyone who has obtained Jordanian nationality or a Jordanian passport under the terms of the Jordanian Nationality Act of 1928, as amended, or Act No. 6 of 1954, as amended by Act No. 22 of 1987;

(ii) Anyone born to a father holding Jordanian nationality;

(iii) Anyone born in the Hashemite Kingdom of Jordan to a mother holding Jordanian nationality and a father of unknown or foreign nationality, or whose paternity has not been legally established;

(iv) Anyone born in the Hashemite Kingdom of Jordan to unknown parents, in so far as, failing evidence to the contrary, any foundling discovered in the Kingdom is deemed to have been born there;

(v) All members of the northern nomadic tribes referred to in article 25, paragraph 2, of the Provisional Electoral Act No. 24 of 1960 and who were actually resident in the territories that were incorporated in the Kingdom in 1930.

17. In the event of a conflict of laws, Jordanian law is applied since article 26 of the Jordanian Civil Code stipulates that:

> "The court shall determine the law to be applied to persons of unknown nationality or who are found to be holding several nationalities simultaneously, it being understood that persons found to be simultaneously holding Jordanian nationality and the nationality of a foreign State shall be subject to Jordanian law."

18. A person wishing to acquire Jordanian nationality is required to possess a number of characteristics. For example, he must be of good conduct and reputation, without any criminal record, and must not compete with Jordanians for employment. Under the terms of the Jordanian Nationality Act, no person who fails to meet these requirements can be granted Jordanian nationality.

19. With regard to the question of name, article 30, paragraph 1, of the Jordanian Civil Code stipulates that a human being's legal personality begins from the moment at which he is born live. Article 38 further stipulates that every person must have a name and a patronymic, which is appended to the names of his children.

20. From the above, it is clear that the Jordanian Nationality Act and the Civil Code endeavour to ensure that every person has a name and a nationality. The law defines Jordanians, without specifying their ages, and the definition is comprehensive, i.e. it includes all Jordanians, including children.

B. Preservation of identity (art. 8)

21. Jordanian law guarantees the preservation of identity and prescribes a deterrent penalty to ensure that this guarantee is respected. Article 287, paragraph 1, of the Penal Code stipulates that:

> "Anyone who abducts a child under seven years of age, substitutes one child for another or attributes a child to a woman who has not borne him shall be punished by imprisonment for three months to three years."

Under paragraph 2 of the same article, the penalty must not be less than six months if the purpose or result of the offence was the elimination or alteration of evidence concerning the child's personal status or the entry of fictitious personal details in the official records.

22. Under article 288, anyone who has a child placed in a home for foundlings by concealing the child's identity, regardless of whether the child was officially registered as a legitimate or a recognized illegitimate child, shall be punished by imprisonment for from two months to two years.

23. From the above, it is clear that the Government protects children from being deprived, in any illegal manner, of some or all elements of their identity.

C. Freedom of expression (art. 13)

24. Article 15 of the Constitution stipulates that the State shall guarantee freedom of opinion and every Jordanian shall be free to express his opinion orally, in writing, pictorially or through any other form of expression permitted by law. Freedom to hold and express opinion is an inherent right of the human person, regardless of his chronological age, and freedom must be safeguarded (art. 7 of the Constitution). This freedom to hold and express opinion is manifested in the freedom of the press, since article 15, paragraph 2, of the Constitution provides for freedom of the press and publication within the limits of the law.

25. Section 1, paragraph 7, of the National Charter calls for respect for the mind, belief in dialogue and recognition of the right of others to hold differing opinions and of the need to respect the opinions of others.

26. Jordanian citizens express their opinion orally, in writing, in print, pictorially and through various other forms of expression without any regard for frontiers. This is facilitated by the various audiovisual information media, which can easily be received and contacted without regard for any other consideration.

D. Access to appropriate information (art. 17)

27. The Government encourages the various official information media and, for its part, disseminates information and material of social and cultural benefit through the newspapers and the various programmes in the Arabic and English languages that are broadcast by the Radio and Television Corporation. The Government also concludes bilateral agreements (concerning cultural and scientific cooperation programmes) with numerous States and most of these agreements make provision for international cooperation in the production, exchange and dissemination of relevant information among the States parties thereto.

28. With regard to the question of children's books, the Ministry of Culture has established a Directorate of Children's Culture which is emphasizing the well-known fact that children's culture cannot be broadened solely through a single publication, magazine or book but only by increasing the availability of children's publications, magazines, books and newspapers in order to expand the scope of their cultural options and provide them with opportunities to make comparisons. This gave rise to the idea of establishing a Children's Book Section which undertakes the task of publishing books using the most modern techniques for the manufacture of children's books, from the standpoint of production, colour and format, in accordance with a carefully studied cultural programme for the publication of those books, paying due regard to the various age groups of children and observing the established priorities in regard to choice of the subjects and information that children require. The Government also issues the "Wisam Library Series", consisting of a series of books on subjects covering various aspects of children's culture, one title of which is distributed free of charge each month in order to provide an opportunity for Jordanian writers and persons concerned with children to publish their works. This is a series of excellent books, meeting the highest standards, on various subjects.

E. Freedom of thought, conscience and religion (art. 14)

29. Although Jordan expressed a reservation concerning article 14 of the Convention at the time of its signature and reaffirmed that reservation at the time of ratification, the following information can nevertheless be provided on this subject.

30. In fact, Jordanian society consists of a large majority of Muslims and a small percentage (under 5 per cent) that belongs to various Christian denominations. Article 2 of the Constitution stipulates that Islam is the religion of the State. Article 14 further stipulates that the State shall ensure the free exercise of all forms of worship and religious rites in accordance with the customs observed in the Kingdom, subject only to the maintenance of public order and morals. Article 99 stipulates that the courts shall be divided into three categories; ordinary, religious and special.

Article 104 divides the religious courts into Shari'a courts and the councils of other religious communities. Article 105 specifies that the Shari'a courts have exclusive jurisdiction in the following matters, in accordance with their special laws:

(i) Matters involving the personal status of Muslims;

(ii) Matters concerning Islamic Waqfs (religious endowments).

According to article 108, the Councils of the Religious Communities are the councils of non-Muslim religious communities. Under the terms of article 109, paragraph (i), the Councils of the Religious Communities are constituted in accordance with legislative provisions enacted to that end and which define the jurisdiction of the said Councils in regard to matters of personal status and religious endowments constituted for the benefit of the community concerned. The personal status matters of these communities are the same as those which, in the case of the Muslims, fall within the jurisdiction of the Shari'a courts. The Non-Muslim Religious Community Councils Act No. 2 of 1938 and the Personal Status of Jordanian Christian Communities Act were therefore promulgated on this basis.

31. Accordingly, it is evident that the Jordanian Constitution meticulously safeguards the rights of religious communities and groups, with a high degree of responsibility, by regulating matters relating to their religious beliefs, such as matters of personal status and religious endowments. It defines, in an equitable manner, the legal framework within which this system operates and which helps those institutions to exercise the right to freedom of action.

32. In the light of the above, it can be said that there are two institutions concerned with matters relating to Islamic affairs and holy places, namely the Shari'a courts and the bodies concerned with the administration of Islamic religious endowments. The Shari'a courts have jurisdiction in matters of personal status, in accordance with the Islamic Shari'a, such as marriage, divorce, inheritance and matters concerning minor children and legal guardianship, etc.

33. In the case of the non-Muslim (Christian) religious communities, there are also two institutions responsible for regulating the affairs of those communities. Each community has an Ecclesiastical Court which has jurisdiction in the personal status matters of its members, such as marriage, separation, legal paternity, protection of minors, guardianship and inheritance, etc. The Councils of the Religious Communities have jurisdiction in matters involving religious endowments constituted for the benefit of the community, as defined in article 6 of the Non-Muslim Religious Community Councils Act which stipulates that these Councils have jurisdiction in regard to the constitution and administration of religious endowments for the benefit of their respective communities. Any disputes that arise with individuals or institutions outside the community are settled by the ordinary courts. The Councils are also responsible for the construction, maintenance and administration of churches and the supervision of charitable institutions, associations, clubs, hospitals and schools belonging to their respective communities.

34. In addition to the above, the Government has incorporated in its legislation provisions concerning the question of the religious rights of children, in so far as the child's family or legal guardians are fully entitled to regulate their family life in accordance with their religion, as stipulated in the Muslim and Christian Personal Status Acts. Every child has the right to receive religious instruction in accordance with the wishes of its parents or legal guardians and Jordanian law prohibits the provision of religious instruction in a manner contrary to the wishes of the parents. Since schools are the places in which children are influenced to the greatest extent, the Statutes of the Ministry of Education observe and safeguard these principles. From the standpoint of their administration and financing, educational institutions in Jordan are of two types: governmental and private.

35. The government schools comply fully with the principles of the Constitution and the provisions of other legislation. In the case of the private schools, article 65 of the Education Act stipulates that, during the stage of compulsory education from 6 to 15 years of age, they must follow the curricula and books decided upon by the Ministry, Muslims being provided with Islamic religious instruction in accordance with the specified curricula and books and non-Muslims being provided with instruction in their own religion. Under article 71 of the Education Act, no private educational institution may teach any student a religious faith other than his own in violation of the Constitution and laws of the Kingdom. Under article 77 of the Education Act, the provisions of the Act do not apply to the curricula of schools which train students to officiate at church services or enter monastic life.

36. As a token of the Government's recognition of the importance of spiritual principles and religious observance, Jordanian radio and television, and particularly radio, transmit direct broadcasts of Muslim Friday prayers and Sunday church services for the benefit of persons who are unable to attend on those days.

37. Days of rest and the celebration of religious holidays are observed in accordance with the religious teachings of the person concerned. In this connection, the Government regards such holidays as a sacrosanct legal right that must be respected and therefore declares public holidays on the occasion of Islamic religious festivals. It also recognizes the right of members of Christian communities to take holidays on the occasion of Christian religious festivals. Since Friday is the official day of rest in Jordan, the regulations grant members of Christian communities the right to take a holiday on Sunday morning in order to attend church services. This principle is also observed in the Education Act, article 72 of which stipulates that private educational institutions must close on the following occasions:

(i) Jordanian and pan-Arab holidays;

(ii) On Fridays (Christian schools must close on Sundays and on all their religious holidays);

(iii) On the Id al-Fitr (Feast of Breaking the Ramadhan Fast), the Id al-Adha (Feast of Immolation), the Islamic New Year, the Prophet's Birthday and the Prophet's Ascension.

38. Regardless of the laws and legislation which guarantee freedom of religion and prescribe deterrent penalties for anyone who contravenes or violates them, anyone who is familiar with everyday life in Jordan will find that Jordanian society is characterized by a spirit of religious tolerance and harmonious coexistence, which has a positive effect on its contemporary development and prosperity.

F. Freedom of association and of peaceful assembly (art. 15)

39. Under article 16 of the Constitution: "Jordanians shall have the right of assembly within the limits of the law." In this connection, it should be noted that the right to hold public gatherings is subject to the submission to the administrative authority of 48 hours' advance notice, which must be signed by not less than five persons and must specify the location, time and purpose of the gathering.

40. The Charitable Associations and Social Service Organizations Act No. 33 of 1966, as amended by Act No. 9 of 1971, stipulates that the establishment of charitable associations and social service organizations must be approved by the Minister of the Interior, who may consult the governor of the province in which the association or organization is to be established. Under the terms of the Act, the statutes of such associations, organizations or federations must specify, in a detailed and clear manner, the principal objectives for which they were established, as well as any other objectives that they are seeking to achieve.

41. Charitable associations in Jordan are classified in the following categories:

Category I: Associations operating in the field of institutional care, including:

(a) Full institutional care of the disabled;

(b) Institutional care of persons other than the disabled;

(c) Institutional day-care of the disabled.

Category II: Associations operating in the field of child care, nursery schools and kindergartens;

Category III: Associations providing vocational training and rehabilitation for young men and women (tailoring and dressmaking, carpentry, metalworking, weaving, typing, etc.);

Category IV: including:

(a) Associations operating in the field of education;

(b) Associations operating in the field of public health;

(c) Associations providing assistance in cash or in kind.

42. It is noteworthy that the activities of the charitable associations focus on services that help to meet basic human needs. Although the Ministry of Labour and Social Affairs and the Ministry of Education provide services for the disabled, similar services are also provided by charitable associations. This also applies to the child welfare services that these ministries provide at a number of nursery schools and to the services provided by the Ministries of Health and Education in their respective fields.

43. Charitable associations can be divided into two types. The first type comprises associations pursuing a variety of broad objectives, such as the establishment of kindergartens, nursery schools, tailoring and dressmaking workshops and typing and knitting training centres, as well as the establishment of health clinics and the provision of assistance for needy persons, etc. The second type comprises specialized associations pursuing specific objectives, such as care of the disabled, the aged, orphans and prisoners, etc.

44. As a result of the manifest differences in population distribution, associations of the first type have been established in rural and urban areas, whereas those of the second type are confined to the principal cities. We therefore find, for example, that the specialized associations are based at Amman and Zarqa and have begun to extend their activities to other governorates only at a slow rate.

45. There are also foreign associations operating in Jordan, where they provide a variety of services in the fields of health care, training, education, the provision of assistance in cash and in kind, child welfare and other essential social services. These associations are based primarily at Amman.

46. The main common objectives of the charitable associations, as specified in their statutes, include: improving the living conditions of the local population; eradicating illiteracy; helping the poor; opening educational centres; opening children's clubs; providing various forms of assistance; opening maternal and child-care centres; establishing kindergartens; opening vocational training centres; opening social clubs; caring for orphans, the disabled, young persons and prisoners; opening schools, etc.

47. Freedom to establish and join clubs is enjoyed under article 4 of the Youth Welfare Act No. 8 of 1987. Applications for the establishment of such clubs, specifying the names of 25 persons as members of their constituent bodies, must be submitted to the Ministry of Youth. In Jordan, there is nothing to prevent the holding of peaceful public meetings to discuss the purposes for which these clubs have been established.

G. Protection of privacy (art. 16)

48. Article 18 of the Constitution stipulates that: "All postal and telegraphic correspondence and telephone communications are confidential and not subject to seizure or censorship, except in the circumstances prescribed by law." Under article 415 of the Penal Code: "Anyone who threatens to expose, divulge or reveal a matter concerning a person which is likely to

detract from the standing or honour of the said person or any of his relatives with a view to inducing him to further the illicit interests of the person making the threat, or of any other person, shall be punished by imprisonment for one week to two years together with a fine of from 5 to 50 dinars."

49. Under article 357, paragraph 1: "Any person attached to the Postal and Telegraphic Authority who abuses his position by reading the contents of a sealed letter, destroying or stealing a letter or divulging its contents to other than the addressee shall be punished by imprisonment for one month to one year." Under paragraph 2 of the same article: "Anyone attached to the Telephone Authority who abuses his official capacity or his employment-related position by divulging or eavesdropping on a telephone conversation shall be punished by a term of six months' imprisonment together with a fine of up to 20 dinars."

50. Under article 357: "Any person who deliberately destroys or opens a letter or telegram that is not addressed to him shall be punished by a fine of up to five dinars." Under article 347, paragraph 1: "Anyone who infringes the inviolability of a home or its appurtenances against the wishes of its occupants, or who remains in the said premises against the wishes of a person who has the right to expel him therefrom, shall be punished by a term of imprisonment not exceeding six months." Under paragraph 2 of the same article: "The penalty shall be imprisonment for one month to one year if the act is committed at night by the use of violence against persons, by breaking and entering or by the use of weapons or if the act is committed jointly by a number of persons."

51. From the above, it is clear that the law protects children from molestation or violation of their right to privacy in regard to their homes or correspondence and prescribes penalties for anyone who violates this right.

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))

52. Article 8 of the Constitution stipulates that, no one may be detained or imprisoned except in accordance with the provisions of the law. Under article 208 of the Penal Code, the provisions of which were formulated in such a way as to protect this right: "1. Anyone who subjects a person to any form of violence or coercion prohibited by law with a view to obtaining a confession to a crime, or information relating thereto, shall be punished by imprisonment for three months to three years. 2. If such acts of violence or coercion lead to sickness or injury, the penalty shall be imprisonment for six months to three years, unless such acts call for a more severe penalty." In order to prevent officials from abusing their authority, article 178 of the Code stipulates that: "Any official who arrests or imprisons a person on grounds other than those provided for by law shall be punished by imprisonment for three months to one year." Under article 181, paragraph 1: "Any official who, in his official capacity, enters a person's home or any appurtenances thereof in circumstances other than those permitted by law shall be punished by imprisonment for three months to three years, together with a fine of 20 to 100 dinars." Paragraph 4 of the same article stipulates that: "Any official who, in his official capacity, enters private premises such as a business

establishment or its administrative offices in circumstances other than those permitted by law or without observing the procedures laid down by law shall be punished by imprisonment for up to six months or a fine not exceeding 50 dinars." Under article 179: "Any warden or guard of a prison or correctional or reform institution, or any official assuming their functions, who admits a person without a legal warrant or court order, or who detains a person for longer than the prescribed term, shall be punished by imprisonment for one month to one year." There is also a Juveniles Act, the provisions of which stipulate that no juvenile may be sentenced to death, that juveniles must be tried before their own special courts, that their places of detention must be separate from those intended for adults, and that they should normally be detained in special social welfare institutions.

IV. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance (art. 5)

B. Parental responsibilities (art. 18, paras. 1-2)

53. Section 5 of the National Charter stipulates that the family is the cornerstone in the structure of Jordanian society. It is the natural environment for the upbringing, education and character development of the individual. Through their official and popular institutions, States must provide the family with the means to ensure its formation and coherence and to enjoy a decent life. They must also help it to assume its responsibilities in regard to the proper upbringing and education of future generations. Paragraph 4 of the same section indicates that children have a natural right to good mothers, who are essential for the sound development of children, and the State and society must provide maternal and child care. Section 5 further stipulates that children have the right to the highest possible standard of care and protection from their parents and from the State.

54. Matters pertaining to the right to custody are dealt with in section 16, articles 153 to 166, of the Personal Status Act, while section 17 deals with the question of maintenance and medical treatment and specifies the obligations of parents in this regard.

55. In order to promote and safeguard the rights set forth in the Convention, the Government provides parents with appropriate assistance through programmes for the welfare of young children, day-care and upbringing of children of nursery-school age and the establishment of government, private and licensed voluntary day-nurseries. The Government is supervising a programme for the establishment of day-nurseries in ministries, institutions, enterprises, schools and factories and is also encouraging various institutions in the public and private sectors to establish similar facilities to take care of the children of female employees of those institutions during working hours. At the end of 1991, the kingdom had 112 private nurseries, 312 institutional nurseries, 49 nurseries run by various associations and 3 government nurseries, distributed throughout Jordan, which were catering for the needs of 4,800, 2,763, 677 and 164 children respectively.

C. Separation from parents (art. 9)

56. It is only natural that children should grow up and live with their parents, from whom they should not be separated except in circumstances in which the competent authorities believe that the interests and rights of the child would be prejudiced if the child remained with its parents. Accordingly, the Government has promulgated the requisite legislation and regulations to protect the child from any violations. For example, Regulation No. 24 of 1972, concerning the welfare of children from birth to the age of 18, and Regulation No. 90 of 1973, concerning the Higher Council for the Welfare of Children and Young Persons, which were promulgated in accordance with article 41 of the Statutes of the Ministry of Social Affairs and Labour (Act No. 14 of 1956), stipulate as follows in their common article 2:

> "The terms and expressions contained in this Regulation shall have the meanings defined below, unless otherwise indicated by the context:
>
> Alternative or foster family: Any suitable family, other than the original family, to which the Minister or the court entrusts, for a specified or unspecified period, the maintenance and care of any child under 18 years of age who requires temporary or permanent care and protection.
>
> Institution: Any institution to which the Minister or the court entrusts the social, mental, health, occupational and educational care and welfare of children under 18 years of age who require such services."

57. Under article 3 of the Child Welfare Regulation: "The alternative or foster family or institution shall undertake the normal duties of the natural family, under the supervision of the Ministry, by caring for the health, safety, well-being and education of the person entrusted to them and they shall have the right to custody of the said person, in the same way as his or her parents, for the period determined by the Minister or the court". Under article 5: "The alternative family must be of the same religion as the person entrusted to it". Article 6 further stipulates that: "A child shall be admitted to these institutions only by order of the Minister or the court and only after a comprehensive social study has been made of the child and his or her original family".

58. From the above, it is clear that the child has a natural right to grow up and live with his or her parents. However, if the circumstances are not conducive to that, the law empowers the Minister or the competent court to undertake this role in the light of information relating primarily to the interests of the child. The Government has therefore established institutions to accommodate orphans, vagrants and various categories of young persons requiring such services. The Ministry of Development alone has established six institutions to accommodate orphans and various categories of vagrants, from which 461 such persons are benefiting. The voluntary sector is also running 10 such institutions, from which 621 persons are benefiting.

D. Family reunification (art. 10)

59. Article 9 of the Constitution stipulates that "1. No Jordanian shall be expelled from the territory of the Kingdom. 2. No Jordanian shall be forbidden to reside in any location, or compelled to reside in a specified place, except in the circumstances prescribed by law." Article 3 of the Passports Act No. 2 of 1969 stipulates that: "Jordanian passports shall be granted to Jordanian applicants whose nationality has been fully established or who have obtained a certificate of nationality or naturalization". Under article 4: "(a) No Jordanian may leave or return to the Kingdom without a legally valid passport issued in accordance with the provisions of this Act. (b) The Minister may permit Jordanian nationals to leave or enter the Kingdom on presentation of an official travel document establishing their identity, without the need for a passport, in special cases on the basis of reciprocal treatment." Under article 11: "At the time of its issue, an ordinary passport may include the wife or wives of its bearer, as well as his minor children under 16 years of age or persons under his guardianship, provided that they are under 16 years of age and descended from a Jordanian father". Under article 12: "A separate ordinary passport may be issued to the wife or minor children with the written consent of the husband or guardian". Under article 23:

> "(a) Except in the cases referred to in paragraphs (c) and (d) of this article, any person entering the Kingdom from any other country must hold a valid passport or other document for presentation on request. The said passport or other document must contain an entry visa to the Kingdom unless the passport has been issued in accordance with the provisions of this Act.
>
> (b) Any person who enters the Kingdom, or is found to have entered it, in a manner contrary to the aforementioned provisions may be arrested without a warrant, in which case the Minister or his representative may order the expulsion of the said person, if he is not Jordanian, or refer him to a justice of the peace with the relevant papers regardless of whether he is Jordanian or an alien.
>
> (c) In special cases, the Minister may authorize the entry of any person into the Kingdom if he believes that the said person is fit to enter the Kingdom. In such a case, no regard shall be paid to the question of whether his entry was contrary to the provisions of paragraph (a) of this article.
>
> (d) On a recommendation from the Minister, the Council of Ministers may issue a written order fully or partly exempting from the provisions of paragraph (a) of this article specific persons or a category thereof or nationals of a particular State, provided that the said order stipulates the conditions for the entry of those persons."

60. From the above, it is clear that freedom to leave and return for the purpose of family reunification or reunions of members of the same family is recognized under Jordanian national legislation, subject to observance of the procedures laid down in that legislation. Every person, whether Jordanian

or alien, has the right to leave and return, provided that he holds a legally valid passport. Actual practice confirms this right and no instructions have been issued restricting the freedom of any Jordanian to leave or return to the territory of his homeland unless he has violated the laws and regulations in force. The freedom of movement of aliens is regulated by Act No. 24 of 1973, concerning the residence and affairs of aliens, as amended. Under article 4 of this Act: "An alien shall be permitted to enter and leave the Kingdom if he holds a valid passport containing an entry or exit visa or if he holds a travel document issued by the Government of the Kingdom by virtue of his residence therein without a passport".

E. Recovery of maintenance for the child (art. 27, para. 4)

61. Under the terms of the Personal Status Act, the husband is responsible for maintenance both during the marriage and on its dissolution. He is obliged to pay maintenance to the mother and the children in the event of dissolution of the marriage and is also obliged to maintain them during the marriage. This important provision of the Personal Status Act is in the interests of women and children. Although the Act gives women an opportunity to share the responsibility for maintenance, it is regarded as a debt recoverable from the father.

62. Article 168 of the Act specifies that: (a) the maintenance of a child who does not have money of his or her own is an obligation on the child's father and this obligation is not shared by any other person unless the father is destitute and, due to a physical or mental defect, unable to earn a living and provide such maintenance; (b) child maintenance shall continue, in the case of a girl, until she marries if she is unable to earn a living by working and, in the case of a boy, until such time as his peers are able to earn a living, unless he is a student.

63. Under article 169, a father whose financial circumstances place him under an obligation to maintain his children shall also have an obligation to pay the costs of their education, at all academic stages, until the child obtains his or her first university degree, on condition that the child is successful and shows an aptitude for education. The amount of maintenance shall be assessed in the light of the financial circumstances of the father but must not be lower than the subsistence level.

64. In accordance with article 170: 1. a father who is obliged to maintain his children shall also have an obligation to pay the costs of their medical treatment. If the father is indigent and unable to pay the fees of a physician or the costs of medical treatment or education while the child's mother, on the other hand, is financially able to do so, she shall be obliged to pay the said fees and costs, which shall be regarded as a debt that she is entitled to recover from the father when his financial circumstances improve. The same shall apply if, due to the father's absence, it is impossible to collect the money from him.

65. Under article 171, if the father is destitute owing to his inability to earn a living or if, although able to earn a living, his earnings suffice only to meet his own needs, the obligation to maintain the child shall be

transferred to the person who would have assumed it in the absence of the father. Such maintenance shall be regarded as a debt which the said person shall be entitled to recover from the father if the latter's financial circumstances improve.

66. Article 173 specifies that the obligation to maintain indigent young persons and any indigent adult who is unable to earn a living owing to a physical or mental defect shall be borne by their wealthier relatives who would inherit from them, in proportion to their shares of the inheritance. If an heir is indigent, the maintenance obligation shall be borne by the next most eligible heir, who shall recover the costs of the maintenance from the primary heir if the latter's financial circumstances improve.

67. Such cases are heard by the Shari'a courts in the case of Muslims and by the ecclesiastical courts in the case of members of the Christian communities. These court decisions are communicated, through the usual channels, to the parties concerned, regardless of whether they are in or outside Jordanian territory. In this connection, it should be noted that Jordan has concluded numerous bilateral and multilateral international judicial conventions with a view to ensuring justice for all.

F. Children deprived of a family environment (art. 20)

68. Jordan expressed reservations concerning this article at the time of its signature and ratification of the Convention.

69. Through the official agencies concerned, the Government is endeavouring to safeguard the unity and coherence of Jordanian families and protect them from disintegration and delinquency. This is done through ongoing public awareness campaigns, preventive and remedial programmes, the provision of basic social services, efforts to ensure the proper overall upbringing of Jordanian children and endeavours to enhance the services provided for children. Children from broken families or families that are suffering from particular social circumstances are cared for at social institutions in which they enjoy a decent life in all respects. To this end, the Government is implementing the following programmes:

(a) The programme for the institutional welfare and upbringing of children from broken families, as well as orphans and children of unknown parentage. This task is being undertaken by five social institutions in various parts of the Kingdom which provide shelter for children, together with nutritional, health, training and welfare services on a 24-hour basis. This is in addition to the educational services that the children receive at schools run by the Ministry of Education and the informal activities in which they engage inside those institutions.

(b) The programme for the welfare of young children, which caters for the day-care and upbringing of children of nursery-school age through the establishment of government, private and voluntary day-nurseries.

(c) The programme for the fostering of children of unknown parentage with families other than their original families.

70. It is noteworthy that there are eight children's institutions run by the Ministry of Development in various parts of the Kingdom which provide shelter for children of ages ranging from 1 day to 18 years, depending on the type of the institution and the sex of the child. At the end of 1991, 254 children of both sexes were benefiting from these institutions.

71. It should also be noted that Jordanian national legislation safeguards the interests of the child by providing alternative care and ensuring his or her ongoing education and upbringing in a proper manner that preserves the child's religious and cultural background.

G. Adoption (art. 21)

72. Jordan expressed reservations concerning this article, since the Islamic Shari'a does not recognize adoption, which therefore is not permitted and does not exist in Jordan.

H. Illicit transfer and non-return (art. 11)

73. Article 164 of the Personal Status Act stipulates as follows:

> "If the male or female guardian travels with the child to a town within the Kingdom, this shall not affect the guardian's right to custody of the child as long as such travel is not deemed to be detrimental to the best interests of the child. If it is deemed to be detrimental to the best interests of the child, such travel with the child shall be prohibited and the child shall be delivered into the custody of the other party."

Under article 166 of the same Act:

> "A woman who has been granted custody of the child shall not be permitted to take the child out of the Kingdom without the consent of the male guardian, nor shall she be permitted to do so until it has been ascertained that such travel is in the best interests of the child".

Articles 154 and 155 deal with the question of disputed custody as a result of marriage to foreign women, which might lead to problems between the spouses, in which case one of them may decide to take the child abroad or return the child to Jordan in an illicit manner. Accordingly, at the present time, the Government is studying this question with a view to the conclusion of bilateral agreements to regulate such circumstances and problems.

I. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)

74. Under the terms of article 289 of the Penal Code: "Anyone who abandons a child under two years of age, without a legitimate or valid reason, in such a way as to endanger the child's life or in a manner likely to cause permanent damage to the child's health shall be punished by imprisonment for one to three years". Under article 290:

> "A penalty of imprisonment for one month to one year shall be imposed on anyone who: 1. being the father, guardian or trustee of a young child

who is unable to maintain himself or herself or whose care and protection has been legally entrusted to him, refuses or neglects to provide the child with food, clothing, accommodation and other vital necessities which he is able to provide and thereby damages the child's health".

Under article 259:

"1. If a girl between 15 and 18 years of age is sexually assaulted by one of her legally designated or other ascendants, such as her stepfather or the husband of her paternal grandmother who was entrusted with her upbringing or protection, the offender shall be punished by a term of hard labour".

Under article 314:

"Anyone who, being entrusted with the care of a child between 6 and 16 years of age, permits the said child to reside in or frequent a house of prostitution shall be punished by imprisonment for up to six months or a fine of up to 20 dinars".

75. Ministry of Education Directive No. 4 of 1988, concerning school discipline, emphasizes the need to respect the human dignity of the child and to treat the child in accordance with the most modern methods of education, which preclude the practice of physical punishment. This is in conformity with article 19, paragraphs 1 and 2. Article 7 of the Regulation concerning the Welfare of Children from Birth to the Age of 18 stipulates that a sum of money may be paid to the alternative family of any person placed in its care under the terms of the Regulation in the light of a social study of the circumstances of the alternative family and the cost of living in the area in which it resides. Article 8 further stipulates that a sum of money may be paid to the guardian, the trustee or the person or national institution providing maintenance in respect of each child in their custody in order to help them to meet the child's expenses.

76. From the above, it is evident that the Government has taken various appropriate legislative, administrative and other measures to protect the child from all forms of violence, harm, neglect, exploitation or abuse while the child is in the care of his or her parents or legally designated guardians. The Government has also taken steps to provide material and moral assistance to help institutions, guardians and trustees to fulfil their duties in regard to the protection of children.

J. Periodic review of placement (art. 25)

77. The Government's policy, which is being pursued by the Ministry of Health, is based on the principle that all citizens have a fundamental right to health care. Under this policy, primary health care is regarded as the first line of defence against sickness.

78. The Higher Council for the Welfare of Children and Young Persons was established to provide care and protection and safeguard the following rights of the child:

(a) The right to enjoy special protection and adequate opportunities and facilities for physical, spiritual and social development, in a normal manner, in circumstances characterized by freedom, dignity and respect for individual differences, as well as the development of the talents of gifted children and opportunities for disabled persons to progress within the limits of their capabilities.

(b) The right to antenatal and post-natal care and protection of mothers and children.

(c) The right to adequate food, shelter and medical care.

79. This Council consists of 10 members, as provided for in article 4 of its statutes, and has been assigned a number of responsibilities, including: formulation of a national policy in regard to the care and protection of children in the health and social spheres; coordination among all the bodies concerned with the upbringing and the educational, social and health care of children and young persons; and the conclusion and signing of conventions on children and young persons with international bodies and organizations and other States, in accordance with the regulations in force (art. 5).

80. There are specialized institutions such as the Noor al-Hussein institution, which is directly concerned with children and is doing its utmost to cater for the various aspects of their care. In 1986, this institution established the Institute for the Health Care and Development of Children with a view to raising the standard of health care in Jordan through improved methods to monitor and assess the development of children, diagnose disabilities and prescribe appropriate treatment to overcome them. This institute conducts preliminary field studies on children, prepares training programmes for personnel caring for the health and development of children and produces information material to make parents and teachers more familiar with the early symptoms of children's diseases and disabilities. The Institute comprises a maternal and child-care clinic to serve the local community, as well as a child growth and development unit, and formulates programmes to facilitate the monitoring of children's development up to the age of six years with a view to the detection of any physical, mental or psychological disability with which they might be afflicted. In 1992, the Institute held a number of workshops to train paediatricians and other persons working in the field of child care. It has also organized working visits, free of charge, by medical personnel to all the villages covered by the project for the enhancement of living conditions in rural areas.

81. The Government recognizes that children whom the competent authorities place in institutions for purposes of care, protection or physical or mental health treatment have a right to a periodic review of the treatment that they receive and of all the other circumstances pertaining to their placement.

V. BASIC HEALTH AND SOCIAL WELFARE

A. Survival and development (art. 6)

82. Jordan has one of the world's highest population growth rates. According to the statistics, the natural population growth rate amounts to 3.8 per cent, with an annual rate of increase of 3.96 per cent. The proportion of males amounts to 52.4 per cent, as compared with 47.6 per cent in the case of females. Young persons under 15 years of age constitute 53 per cent of the total population. The urban proportion of the population amounts to 64.7 per cent owing to the large expansion of the principal cities such as Amman, Irbid and Zarqa.

83. The main targets that the Government has set and is endeavouring to achieve in regard to survival and development include:

(a) A reduction in the infant mortality rate from 37 per thousand in 1990 to 20 per thousand in the year 2000;

(b) A reduction in the mortality of children under five years of age from 47 per thousand in 1990 to 25 per thousand in the year 2000;

(c) A reduction in the incidence of contagious diseases through the provision of protection against some of these diseases and the eradication of others;

(d) The disappearance of severe malnutrition among children under five years of age, and a reduction in the proportion of other children suffering from malnutrition;

(e) A reduction in the incidence of diarrhoeal diseases from 1.2 attacks per child in 1990 to 0.8 attacks in 1995 and 0.3 attacks in the year 2000, and a reduction in the number of deaths resulting from diarrhoea from 0.5 deaths per thousand attacks in 1990 to 0.3 in 1995 and 0.2 in the year 2000;

(f) A reduction in the incidence of acute respiratory diseases and a 50 per cent reduction in the number of deaths resulting therefrom in 1995, as compared with the figure for 1990;

(g) A reduction in the number of children born with a low birth weight (under 2.5 kg) to 25 in the year 2000;

(h) A reduction in the maternal mortality rate from 40 deaths per 100,000 births (preliminary estimate) in 1990 to 25 in the year 2000;

(i) An increase in the proportion of mothers using family planning methods from 35 per cent in 1990 to 55 per cent in the year 2000.

84. The practical measures and programmes that are being implemented are as follows:

(a) Continuation of the national immunization programme, which has been made more effective in regard to vaccination against tertian fever and infantile paralysis (coverage increased to 98 per cent) and measles (coverage increased to 98 per cent). The rate of notification of cases of infection has been increased and support has been provided for the establishment of a virological laboratory.

(b) Vaccines against mumps, measles and German measles have been included in the national immunization programme in the light of the findings of studies concerning the feasibility of vaccination against measles during the first year of the child's life.

(c) Vaccination against serohepatitis has been made universal following its initial introduction in some areas under the national immunization programme.

(d) The proportion of mothers immunized against tetanus in rural and desert areas is to be increased from 45 per cent in 1990 to 90 per cent in the year 2000.

(e) Programmes for the early detection and treatment of children's disabilities are being intensified and developed.

(f) Family planning services at maternal and child-care and primary health-care centres in the public, private and voluntary sectors are being improved and expanded through public awareness and educational programmes for all persons working in or interested in this field.

(g) The school health services base is being expanded to include private schools, and cooperation among the various agencies concerned is being increased.

(h) All families and persons dealing with children are being made more familiar with proper hygienic practices conducive to better health for mothers and children, such as methods to deal with diarrhoea, bronchial infections and disabilities and proper nutritional and breast-feeding methods.

B. Disabled children (art. 23)

85. The Government is catering for the welfare of disabled persons primarily through the Department of Special Education at the Ministry of Social Development.

86. The Department of Special Education supervises the welfare, education, training and employment of various categories and age groups of disabled persons with a view to ensuring their integration in society through training and employment programmes and endeavours to educate and increase the awareness of individual citizens and families in order to minimize the incidence of disability through preventive measures.

87. Through the agencies concerned, the Government is striving to achieve the following objectives:

(a) The provision of institutional care and educational and psychiatric services for disabled persons, using the most modern technical methods, at a number of special schools and various social centres which offer shelter and care in addition to education.

(b) The provision of vocational training, rehabilitation and employment services for various categories of disabled persons. This task is being undertaken at the above-mentioned centres which offer training courses in occupations such as metalworker, carpenter, tailor, dressmaker, bookbinder, flower arranger, beautician, panel-beater, painter and vehicle mechanic.

(c) The preparation of information and guidance programmes for the families of disabled persons with a view to preventing disability and familiarizing them with ways to deal with disabled children. The role played by schools is also monitored, particularly in regard to the category of dyslexic persons who drop out of the Ministry of Education schools, and endeavours are also being made to change social attitudes towards disabled persons through the various information media, in addition to cooperation and coordination with official and private bodies concerned with the prevention of disability with a view to the achievement of complementarity in the guidance services that they provide.

(d) The undertaking of diagnostic studies to detect disability and identify its type and the degree of its severity.

(e) The promulgation of the requisite legislation for the protection and employment of disabled persons.

88. In addition to the action taken by the Government, other non-governmental (voluntary, private and international) bodies are running and supervising a variety of special educational institutions for persons afflicted with particular types of disability. 1/

89. The number of special education centres run by the Ministry of Social Development, classified by category of disability, type of service, number of beneficiaries and sex, in 1991 was as follows:

(a) Category of disability. Oral, mental, visual, locomotor and multiple: 11, 10, 1, 4 and 1 respectively.

(b) Type of service. Education/rehabilitation/shelter, education, care/rehabilitation/shelter, education/shelter, vocational training, rehabilitation and vocational training: 3, 17, 2, 2 and 12 respectively.

1/ A table listing the special education centres in the private and voluntary sectors by category of disability, type of service and number of beneficiaries, and the various therapeutic institutions by category of disability, number of patients and sex in 1991 is available for reference in Arabic in the archives of the secretariat.

(c) Number of beneficiaries. Male/female Boarders, male/female external beneficiaries: 206, 149, 706 and 518 respectively, i.e. a total of 1,579 persons.

90. Section 5, paragraph 8, of the National Charter stipulates as follows:

> "Disabled members of Jordanian society have a right to special care, education, training, rehabilitation and employment in order to enable them to overcome their difficulties and live as participating and productive members of society."

91. From the above, it is evident that disabled persons have a special status and that the Government is doing its utmost to help them to enjoy a decent life with the assistance of the institutions concerned which are providing them with care, rehabilitation and training. Disabled persons are protected by the laws in force, and particularly by the legislation that has been promulgated for their protection.

C. Health and health services (art. 24)

92. The Government's policy, which is being pursued by the Ministry of Health, is based on the principle that all citizens have a fundamental right to health care. Under this policy, primary health care is regarded as the first line of defence against sickness.

93. The Public Health Act No. 21 of 1972 stipulates that the Ministry of Health is responsible for the provision of preventive and therapeutic medical services and must do everything in its power to safeguard the health of citizens. The Ministry's statutes state that all citizens, without distinction, have a right to health, that the Ministry has a responsibility to provide health and medicinal services for all members of society and to improve the standard of health of all citizens, and that every citizen, wherever he may be living and regardless of his ethnic or social origin, has a right to benefit from these health services.

94. The objectives of the Socio-Economic Development Plan for the period 1981-1985 included adoption of the principle of primary health care and the enhancement of preventive health services in Jordanian society with a view to ensuring health for all by the year 2000, as well as the expansion and improvement of medical care for all citizens. The objectives of the Socio-Economic Development Plan for 1986-1990 included the expansion of health care to include general medical practice, antenatal care, family planning, immunization, health education, the inspection of drinking water and local and imported foodstuffs, environmental health and school and mental health, with emphasis on the comprehensive nature of these services. The objectives also included the promulgation of the legislation needed to fully safeguard the health of all citizens through, inter alia, primary and other levels of health care.

95. Three levels of health-care services are provided for citizens. At the first level, primary health-care services are provided through primary health centres, maternal and child-care centres, dental clinics and subsidiary health

centres (rural clinics). In 1991, there were 303 health centres and 230 rural clinics. The number of maternal and child-care centres increased from 116 in 1987 to 227 in 1991 and the number of dental clinics increased from 69 in 1987 to 114 in 1991. All these centres and clinics are run by the Ministry of Health, i.e. by the Government.

96. Within the limits of their capabilities, these centres provide primary health-care services for all citizens, at a nominal charge to citizens capable of paying for medical and therapeutic services and virtually free of charge to participants in the health insurance scheme. Preventive health services are provided free of charge to all. The numerous measures that the Ministry has taken to improve the quality of the services rendered to citizens at the centres can be summarized as follows:

(a) The treatment card and the transfer system, which were introduced in 1987, as a result of which every citizen knows the centres to which he can apply for treatment;

(b) The amalgamation of services at a single location, so that the primary health centre can provide all forms of health care;

(c) The medical team: with a view to improving the services provided at subsidiary centres, a system has been introduced whereby a doctor from a main health centre, accompanied by a team of his staff, visits subsidiary centres to provide services for citizens attending them.

97. At the second level health-care services are provided by the polyclinics and specialized departments of provincial and district hospitals.

98. At the third level, the specialized and teaching hospitals provide health-care services for patients transferred to them from the first and second levels.

D. Social security and child-care services and facilities (arts. 26 and 18, para. 3)

99. The Government has established the Public Authority for Social Security under the terms of the provisional Social Security Act No. 30 of 1978, which places this Authority under the supervision of the Ministry of Labour. Article 4 (a) of the Act stipulates:

> "The provisions of this Act shall apply to all workers over 16 years of age, without discrimination on grounds of nationality, regardless of the duration or form of their contract and the nature and amount of their remuneration, irrespective of whether the greater part of their work is performed in or outside the Kingdom, and without prejudice to the provisions of the international conventions that regulate questions of duplication in regard to insurance".

Article 7 further stipulates that: "Insurance shall be compulsory for employers and employees, and the persons insured shall not be made to bear any part of the insurance costs, unless otherwise indicated in this Act".

100. This Act makes provision for the application of the following six types of social insurance:

(i) Insurance against employment-related injuries and occupational diseases;

(ii) Old-age, disability and death benefits;

(iii) Insurance against temporary incapacity due to sickness or maternity;

(iv) Health insurance for the worker and his family;

(v) The provision of family benefits;

(vi) Insurance against unemployment.

101. These types of insurance cover the basic needs of all the various social groups. Although only the first two types of insurance have actually been put into effect, the Act provides for the application of the other types of insurance in stages. This is a logical procedure in keeping with international social security practice, which begins by meeting one or more basic needs with a view to ultimately meeting all the basic needs.

102. A study of the provisions of the Act clearly shows that all social groups will eventually benefit from social security. This will be achieved in gradual stages in order to enable the Public Authority for Social Security, which is responsible for implementing the provisions and achieving the objectives of the Act, to cover all the social groups. Under the provisions of the Act, the persons covered by social security are: (a) workers who are subject to the provisions of the Labour Act; (b) civil servants who are not covered by civil, military or municipal pension schemes.

103. The Act makes provision for the coverage of other groups, such as self-employed workers and farmers, at subsequent stages.

104. In addition to the Public Authority for Social Security, the Government also provides services and facilities through other government institutions with a view to catering for the welfare and protection of children. This is done through the following programmes.

(a) The programme for the institutional welfare and upbringing of children from broken families, as well as orphans and children of unknown parentage. Nutritional, health, training and welfare services are provided on a 24-hour basis at social shelter institutions as part of this programme.

(b) The programme for the welfare of young children, which caters for the day-care and upbringing of children of nursery-school age through the establishment of government, private and voluntary day-nurseries.

(c) The programme of social studies on health insurance and exemption from the costs of treatment. In the light of the results of these social studies of persons who really need to be exempted from the costs of treatment,

recommendations are made to the bodies concerned to grant such exemption at government and private hospitals and to issue free civilian health insurance cards to such needy persons who otherwise could not obtain such treatment under the civilian and military health insurance schemes.

E. Standard of living (art. 27, paras. 1-3)

105. Section 17 (Maintenance of relatives) of the Personal Status Act stipulates as follows.

106. Article 168 specifies: (a) The maintenance of a child who does not have money of his or her own is an obligation on the child's father and this obligation is not shared by any other person unless the father is destitute and, owing to a physical or mental defect, unable to earn a living and provide such maintenance; (b) Child maintenance shall continue, in the case of a girl, until she marries if she is unable to earn a living by working and, in the case of a boy, until such time as his peers are able to earn a living, unless he is a student.

107. Article 169 provides that a father whose financial circumstances place him under an obligation to maintain his children shall also have an obligation to pay the costs of their education, at all academic stages, until the child obtains his or her first university degree, on condition that the child is successful and shows an aptitude for education. The amount of maintenance shall be assessed in the light of the financial circumstances of the father but must not be lower than the subsistence level.

108. Under article 170: (i) A father who is obliged to maintain his children shall also have an obligation to pay the costs of their medical treatment; (ii) If the father is indigent and unable to pay the fees of a physician or the costs of medical treatment or education while the child's mother, on the other hand, is financially able to do so, she shall be obliged to pay the said fees and costs, which shall be regarded as a debt that she is entitled to recover from the father when his financial circumstances improve. The same shall apply if, owing to the father's absence, it is impossible to collect the money from him.

109. In accordance with article 171, if the father is destitute owing to his inability to earn a living or if, although able to earn a living, his earnings suffice only to meet his own needs, the obligation to maintain the child shall be transferred to the person who would have assumed it in the absence of the father. Such maintenance shall be regarded as a debt which the said person shall be entitled to recover from the father if the latter's financial circumstances improve.

110. Article 173 provides that the obligation to maintain indigent young persons and any indigent adult who is unable to earn a living due to a physical or mental defect shall be borne by their wealthier relatives who would inherit from them, in proportion to their shares of the inheritance. If an heir is indigent, the maintenance obligation shall be borne by the next most eligible heir, who shall recover the costs of the maintenance from the primary heir if the latter's financial circumstances improve.

111. The above legislative texts show that the Jordanian legislature is endeavouring to safeguard the right of the child to a standard of living commensurate with his or her basic needs, within the limits of the available resources. This responsibility is borne primarily by the parents but is transferred to other relatives if the child's father is indigent. The law defines these needs as education, welfare and medical treatment, in addition to food, clothing and accommodation.

VI. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance (art. 28)

112. Article 6 of the Constitution stipulates that: "The State shall do everything within its power to ensure the availability of work and education ...". Under article 19: "Communities have the right to establish and run their own schools for the education of their members, provided that they comply with the general provisions of the law and subject to government supervision of their curricula and education policy". Under article 20: "Primary education is compulsory for Jordanians and is provided free of charge at government schools". The provisions of Education Acts No. 16 of 1964 and No. 27 of 1988 are in conformity with the general provisions of international conventions in this field and, in particular, with those of the Convention on the Rights of the Child.

113. Education Act No. 27 of 1988 stipulates in article 3, paragraph (c) (vi): "Education is a social necessity and a right to which all persons are entitled, in accordance with their individual aptitudes and abilities".

114. Article 6 of that Act defines the principal tasks of the Ministry in this field as follows:

(a) The establishment, under the control and direction of the Ministry, of various types and levels of government educational institutions, which must be provided with the requisite qualified human resources and educational materials;

(b) The provision of suitable premises for government educational institutions, distributed in a manner consistent with the education policy;

(c) The supervision of all private educational institutions in such a way as to ensure that they comply with the provisions of the Act.

115. Article 10 stipulates as follows:

(a) Basic education shall be compulsory and free of charge at government schools;

(c) The student shall not leave the education system before reaching the age of 16 years.

116. In accordance with article 12, secondary education shall consist of the following two main streams:

(i) The general secondary education stream, comprising common general education and specialized academic or vocational education;

(ii) The applied secondary education stream, comprising vocational training.

117. Under article 27:

(a) The prescribed school textbooks shall be distributed to students at the basic stage of education in all government schools free of charge once only every year;

(b) The prescribed school textbooks shall be sold to students at all educational levels in private schools, and also to secondary-level students at government schools and to students at the basic stage of education after the first free distribution, at prices set by the Ministry in accordance with directives issued by the Minister for this purpose.

118. Article 29 specifies:

(a) The Ministry shall hold a general examination for students who have completed the syllabus at the stage of general secondary education and the successful candidate shall be awarded a certificate known as the "certificate of general secondary education", which shall specify the type of specialization.

119. Section 7, articles 31 to 39, of the Education Act contain provisions regulating the establishment, licensing and conditions of operation of private and foreign educational institutions.

120. The Ministry of Education supervises education in Jordan from the kindergarten stage to completion of the stage of academic and vocational secondary education. In keeping with the principle that everyone has a right to education, the Jordanian State has, since its establishment, provided education for all its citizens living in rural, desert and urban areas. This has been achieved through concerted efforts on the part of the public and private sectors. In the academic year 1990/1991, 94.2 per cent of all persons aged 6 to 15 were enrolled in the basic education system and 65.8 per cent of all persons aged 16 and 17 were enrolled in the secondary education system. In short, it can be said that the proportion of students of childhood age, as defined in the Convention (up to 18 years), who were enrolled at government and private schools in the Kingdom amounted to 98.6 per cent of the total number of students attending Jordanian schools in the various educational stages and streams.

121. In this connection, in keeping with the provisions set forth in article 28, paragraphs (a), (b), (c), (d) and (e) of the Convention, the Government wishes to point out that article 10, paragraph (a), of the Education Act stipulates that basic education is free and compulsory at government schools. Paragraph (b) further stipulates that the student is

admitted to the first year of basic education if he has reached the age of 16 at the end of December in the academic year concerned. Furthermore, in accordance with paragraph (c), no student may leave the education system before reaching the age of 16.

122. Article 7 of the Act classifies educational institutions, by level, in the following manner:

(a) On reaching the age of three years and eight months, children can enrol at the kindergarten level, which lasts for a maximum period of two years. The proportion of children aged 4 and 5 enrolled at kindergartens amounts to 19.6 per cent. The objectives of the Educational Development Plan include more extensive technical supervision of kindergartens, further training of their supervisory and teaching staff and cooperation with the private sector in various fields relating to the development of kindergartens. In this connection, a National Committee on Kindergartens, consisting of representatives of the bodies concerned, was established to formulate a draft programme for the development of kindergartens. This programme covers syllabuses, activities and the training of teachers and supervisors.

(b) The stage of basic education, which lasts for 10 years and in which children from 6 to 16 years of age are enrolled.

(c) The stage of secondary education, which lasts for two years.

123. With regard to the question of training, the Government has established a specialized institution, known as the Vocational Training Authority, under the terms of Act No. 35 of 1976.

124. Article 3, paragraph (a), of this Act stipulates:

> "An institution, to be known as the Vocational Training Authority, shall be established in the Kingdom. It shall report to the Minister and shall enjoy corporate personality, as well as financial and administrative independence, subject to the provisions of this Act and the regulations promulgated pursuant thereto ... ".

125. Article 4 stipulates further:

> "The Authority shall offer vocational training opportunities in order to ensure the availability of skilled technicians and improve their capabilities in various fields of specialization and at various levels, through a wide variety of non-academic vocational training programmes, including:
>
> (a) Industrial apprenticeship, through which young persons can benefit from long-term formal training.
>
> (b) The training of workers, within the institutions by which they are employed, with a view to improving their capabilities.
>
> (c) Intensive and rapid training in various occupations."

126. Other non-governmental (private and international) bodies are also helping to promote vocational training in Jordan through the provision of assistance in cash and in kind for the establishment of the requisite centres and institutions in various parts of the Kingdom.

B. Aims of education (art. 29)

127. Article 4 (General objectives) of the Education Act stipulates that:

"The general objectives of education in the Kingdom stem from the philosophy of education and consist in the training of citizens, imbued with belief in God, inspired by a feeling of belonging to their country and nation and endowed with virtues and humanitarian sentiments, in such a way as to ensure their personal, physical, mental, spiritual, emotional and social development so that, on completion of the various stages of education, students will become good citizens capable of:

(a) Using the Arabic language for self-expression and easy communication with others;

(b) Consciously understanding facts, concepts and relationships with their local and international natural, geographical, demographic, social and cultural environment and using them effectively in their everyday lives;

(c) Absorbing the elements of their heritage and drawing conclusions therefrom with a view to understanding and improving their present situation;

(d) Understanding the faith and religious law of Islam and consciously observing its values and teachings;

(e) Keeping an open mind in regard to the commendable values and principles of human cultures;

(f) Thinking in mathematical terms and using numerical systems and mathematical relations in scientific fields and everyday life;

(g) Understanding and working with facts, concepts, principles and theories, using them to interpret universal phenomena and applying them in the service of mankind with a view to solving human problems and promoting human well-being;

(h) Consciously absorbing technology and acquiring skill in handling, producing, developing and using it to serve society;

(i) Collecting, storing, retrieving, processing, producing and using information to interpret phenomena, forecast various probable events and take decisions in various fields;

(j) Thinking in a critical and objective manner and following scientific methods of observation, research and problem-solving;

(k) Meeting the requirements of work and self-reliance through the acquisition of general and specialized occupational skills;

(l) Appreciating the aesthetic aspects of the various forms of art and manifestations of life;

(m) Safeguarding the rights inherent in citizenship and assuming the responsibilities that they entail;

(n) Feeling a sense of patriotic and national pride;

(o) Using their own capabilities and leisure time for the development and proper promotion of knowledge, creativity, originality and a spirit of sustained initiative;

(p) Respecting the dignity of the human person, developing positive values and attitudes towards themselves and others, as well as towards work and social progress, and applying democratic principles in their individual and collective behaviour;

(q) Adapting themselves, mastering the principles of social and moral conduct and applying them when dealing with others and with the changing circumstances of everyday life."

128. These main objectives were reaffirmed in the Jordanian National Charter and formed the basis for the formulation of the school syllabuses and the preparation of the plans concerning the educational development process. They are fully consistent with the provisions contained in article 29 of the Convention on the Rights of the Child.

C. Leisure, recreation and cultural activities (art. 31)

129. The Government has concerned itself with this question through its Ministries of Culture and Education. In 1989, the Ministry of Culture established a Directorate of Children's Culture, the principal function of which is to promote the cultural development of children and young persons and help them to acquire general knowledge commensurate with their scholastic, mental and practical capabilities and consistent with the knowledge imparted by other bodies concerned with the upbringing and education of children, such as the school, the home, society, radio, television and clubs.

130. This Directorate has set up three sections to achieve the objectives for which it was established:

(i) The Children's Magazine Section;

(ii) The Children's Book Section;

(iii) The Children's Theatrical Section.

131. The first section publishes the Wisam magazine, which was the first children's monthly cultural magazine to be published by a governmental body. It is sold to children at a nominal price equivalent to 25 per cent of its

cost price. This magazine is collaborating with a number of competent writers, professors, illustrators and persons specialized in children's education with a view to ensuring that the publication meets all the requirements in regard to form and content.

132. The second section at the Directorate of Children's Culture publishes books using the most modern techniques for the manufacture of children's books, from the standpoint of production and format, in accordance with a carefully studied cultural programme for the publication of these books, paying due regard to the various age groups of children and observing the established priorities in regard to choice of the subjects and information that children require.

133. The Children's Theatrical Section was established fairly recently and the Directorate is endeavouring to strengthen, encourage and invigorate it by promoting theatrical productions for children with a view to creating an audience of children, promoting the theatrical movement and instilling a spirit of competition into the various theatrical troupes. To this end, the section's activities include the provision of technical expertise for local theatrical performances by delegating the Directorate's production staff to help schools, clubs and associations to stage their theatrical performances. The section also coordinates with provincial theatrical departments in connection with children's cultural days and festivals.

134. In addition to the action taken by the Ministry of Culture in this regard, the Ministry of Education is playing a role by encouraging and organizing student activity in sporting, scouting, artistic, cultural, social and other fields with a view to the achievement of the objectives of education. The Ministry is also helping to promote cultural and scientific activity and publish educational material. It has established school clubs which are endeavouring to help students to spend their leisure time in an organized manner and in a proper educational and social spirit by engaging in religious, cultural, scientific, artistic, sporting and voluntary activities. Students normally participate in the activities organized at these clubs during their summer holidays.

135. The Ministry has taken steps to achieve the objectives assigned to it by encouraging and helping children to develop their knowledge and capabilities and fill their leisure time through:

(a) The holding of scientific and artistic exhibitions;

(b) The organization of local and international cultural and scientific competitions;

(c) Participation by children in public celebrations to mark Jordanian, Arab, religious and environmental days and events;

(d) The formulation of programmes to develop the capabilities of children through their participation in school radio, in the publication of the Al-Ha'it magazine and in literary and cultural committees;

(e) The establishment of summer clubs at which children can take part in various educational activities. For example, last year the Ministry of Education organized 129 summer clubs and 20 scout camps at the district level, in addition to 4 permanent scout camps and 46 Red Crescent camps.

(f) Training children to use musical instruments through special programme;

(g) The construction of various children's theatre halls throughout the Kingdom so that children can develop their artistic talents and capabilities in the theatrical sphere. The School Theatre Section at the Ministry has produced 60 plays on various subjects.

VII. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

1. Refugee children (art. 22)

136. According to UNRWA statistics for 1988, the number of registered Palestinian refugees living in the East Bank amounted to 870,490 persons distributed among a number of camps in various areas of the Kingdom. Since the unification of the two banks of the Jordan in 1950, these Palestinian refugees have been sharing the responsibilities of other Jordanians, enjoying political representation and exercising all their rights and fulfilling all their obligations on a footing of equality with other Jordanian citizens.

137. The Government has done its utmost to ensure that they are treated equitably. It has provided them with financial and moral assistance, as well as assistance in kind, in various fields and at all levels. In collaboration with UNRWA, the Government is providing all the requisite services and facilities in all educational, health and other fields.

138. At the time of preparation of this report, the Jordanian Government had not yet acceded to the Convention relating to the Status of Refugees or the Protocol relating to the Status of Refugees. However, this possibility is being considered, bearing in mind the fact that the Government has done its utmost to assist the refugees and cater for their welfare, on a voluntary basis, even though it is not a party to the relevant international conventions.

2. Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)

139. Jordan is committed to the International Covenants and the Charter of the United Nations and is a party to the four Geneva Conventions of 1948 concerning protection of the victims of armed conflicts. It is also a party to Additional Protocols to the four Geneva Conventions. Accordingly, in keeping with the teachings of Islam, Jordan has endeavoured to respect all the codes and conventions applicable to armed conflicts, regardless of the age of the participants in such conflicts. Since its establishment, the Jordanian State has promulgated legislation regulating enlistment for military service.

It is stipulated that a regular soldier must not be under 16 years of age and that the obligation to perform compulsory military service applies to persons who have reached the age of 18 years. The purpose of this is to prevent children from participating in armed conflicts, if they occur, precedence being given to older persons in this regard.

140. In collaboration with various national and international bodies, the Government organizes seminars and symposia with a view to disseminating knowledge and stimulating public awareness of international humanitarian law and its application during armed conflicts. Experts and other persons concerned are invited to participate in these seminars and symposia.

B. Children in conflict with the law

1. The administration of juvenile justice (art. 40)

141. Article 8 (Juvenile Court) of the Juveniles Act No. 24 of 1968 stipulates:

> "A court hearing charges brought against any juvenile shall be regarded as a juvenile court. This shall not apply in the case of a defendant accused of committing an offence in association with a non-juvenile, although the procedures observed in the juvenile courts shall be applied to the said defendant ..."

142. Under article 7 (Competence of the Court):

> "1. The court of conciliation, acting in its capacity as a juvenile court, shall be competent to pass judgement in all cases involving offences punishable by a term of up to seven years' imprisonment or hard labour.
>
> "2. The court of first instance, acting in its capacity as a juvenile court, shall be competent to pass judgement in all cases involving other criminal offences and the trial proceedings shall be conducted in accordance with the procedures laid down in article 15 of the Act, which can be summarized as follows:
>
> (i) At the beginning of the trial, the court shall give a brief account, in simple language, of the charge brought against the juvenile and shall then ask him whether he wishes to confess thereto.
>
> (ii) If the juvenile confesses to the charge, his confession shall be recorded and the court shall pass judgement in the case, unless it finds sufficient grounds for not doing so.
>
> (iii) If the juvenile does not confess to the charge, the court shall begin its hearing of witnesses, who may be cross-examined.

(iv) If, after hearing the evidence for the prosecution, the court finds that the defendant has a case to answer, it shall hear the testimony of the witnesses for the defence and shall either permit the juvenile to present his own defence or provide him with assistance for that purpose.

(v) The juvenile, his guardian, his trustee, his lawyer or the court may cross-examine the probation officer on the subject of his report."

143. It is evident, therefore, that Jordan has specialized courts to hear juvenile cases for which special legislation, other than the Penal Code, has been promulgated. The said legislation (the Juveniles Act) regulates all matters concerning the powers of these courts, which sit and conduct their proceedings in camera, as well as the trial proceedings and the penalties that can be imposed, etc.

144. A comparison with the provisions of article 40 of the Convention shows that the principal characteristics of the Juveniles Act currently in force include the following:

(a) The Act regards juvenile cases as urgent cases in which judgement must be handed down as soon as possible (art. 5).

(b) A juvenile's conviction for an offence is not regarded as a precedent (art. 6).

(c) To ensure the confidentiality of proceedings involving juveniles, they are held in camera and only the probation officer, the juvenile's parents, guardian or lawyer or persons directly involved in the case are permitted to enter the courtroom (art. 10).

(d) Notification of the guardian. The court sends a summons inviting the juvenile's guardian or trustee or the person in whose care he has been placed to attend the court hearing and also duly notifies the probation officer (art. 13).

(e) The court may order measures to protect the child by placing him in the care of one of his parents, his legal guardian, a member of his family or a person to whom he is not related, or by placing him under the supervision of a probation officer, under the terms of a surveillance order, for a period of not less than one year and not more than three years (art. 21).

145. As already indicated, article 74, paragraph 1, of the Penal Code stipulates that: "No one shall be sentenced to a penalty for an act which he did not commit consciously and of his own free will". Under article 92: "1. Criminal proceedings shall not be brought against anyone under seven years of age. 2. No one under 18 years of age shall be held criminally responsible, such cases being dealt with in accordance with the Juveniles Act".

146. The Ministry of Education, in collaboration with other bodies, has taken measures to protect children from the effects of narcotic drugs by issuing pamphlets and reports that warn schoolchildren and their families against the dangers of taking drugs and frequenting places, such as coffee-houses, cinemas and night-clubs, in which they are sold.

2. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b)-(d))

147. As already mentioned, the Juveniles Act made provision for the establishment of a special court to hear juvenile cases, as well as the establishment of specialized institutions for juveniles. These institutions, which the Act designates as "reformatories", are of two types, which perform different functions: correctional, for the detention of offenders on whom final judgement has been passed by a court of law; and preventive for the detention of juveniles who are exposed to the dangers of delinquency or vagrancy. These juvenile institutions are administered by specialized staff working for the Ministry of Social Development.

148. Under article 4 of the Juveniles Act:

> "Reformatories, or any national institution approved by the Minister for this purpose, shall be places for the detention of juveniles, who may also be detained in prison in the section set aside for juveniles if the detainee is found to be immoral or refractory to an extent that precludes his placement in the reformatory. The power to order the detention of juveniles is vested solely in the courts".

Under article 28: "No person shall be admitted to any of the juvenile institutions referred to in article 2 of this Act except under the terms of a court order". Under article 32, paragraph 2:

> "If, after the examination, the court is satisfied that the person brought before it is under 18 years of age, a vagrant and in need of care, it may place him in a juvenile welfare or similar institution approved by the Minister, provided that the institution agrees to receive him. The duration of such placement shall be specified but shall not be less than one nor more than five years. Alternatively, the court may place him under the supervision of a probation office ..."

149. Under article 3, paragraph 1: "The juvenile shall not be handcuffed or shackled unless his behaviour is refractory or vicious enough to necessitate such treatment". Under article 3, paragraph 2: "Wherever possible, measures shall be taken to segregate juvenile delinquents from accused or convicted persons over 18 years of age". Under article 20:

> "If the juvenile reaches the age of 18 before completing his sentence, he shall be transferred to a prison to serve the remainder of his penalty

by order of the court which sentenced him. On the basis of a written request from the chief probation officer, the said court may extend the remaining duration of the juvenile's stay in the reformatory until he reaches the age of 19 so that he can complete the vocational training which he began in the reformatory".

150. Under article 34, paragraph 1: "On the basis of a request from the Minister, the court which issued the order may release any vagrant placed in the care of any institution on the conditions that it deems appropriate if it finds such to be in the interests of the vagrant".

151. Under article 22:

"(a) If the child's parents or legal guardian fail to meet the requisite moral standards or are unable to undertake the child's upbringing, the child shall be placed in the custody of a member of his or her family. (b) The person in whose custody the child is placed must undertake to follow the directives of the probation officer. (c) If none of the child's relatives are deemed fit to undertake the child's upbringing, the child shall be placed in the custody of a righteous person, or an institution that is recognized as being appropriate for that purpose, for a period of not less than one nor more than three years. (d) The probation officer must supervise the child's upbringing and provide guidance for the child and the persons responsible for his or her upbringing".

152. Finally, under the terms of article 17: "The provisions promulgated under the terms of this Act shall be subject to protest, appeal and cassation in accordance with the Code of Criminal Procedure currently in force. The guardian or trustee may act on the juvenile's behalf in such proceedings".

153. If the above legal provisions contained in the Juveniles Act are scrutinized and compared with the wording of paragraphs (b), (c) and (d) of the guidelines, we find that the Act deals with each of these points and defines their framework. It is evident that children are not deprived of their liberty except in accordance with the law and that special places have been designated for the detention of convicted persons or vagrants following consideration of their cases by specialized courts. It is also evident that the needs, interests and age of the juvenile are taken into consideration in any measure affecting his or her life. It is likewise evident that all the proceedings in connection with the trial of children, as well as all the court judgements, are in accordance with the law and customary practice. These procedures are consistent with the provisions contained in article 37 of the Convention.

154. In 1992, the number of juveniles arrested amounted to 4,995, of whom 4,801 were male; 555 anti-begging campaigns were conducted and the number of juvenile beggars amounted to 187 males and 344 females.

3. The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a))

155. The provisions of the law are clear in regard to the imposition of such penalties. Article 18 of the Juveniles Act stipulates as follows:

> "1. Criminal proceedings shall not be brought against any person who was under seven years of age at the time of commission of the offence.
>
> 2. No juvenile shall be sentenced to capital punishment or hard labour.
>
> 3. (a) If a young person commits a felony punishable by death, he shall be sentenced to a term of 6 to 12 years' detention.
>
> (b) If a young person commits a felony punishable by hard labour for life, he shall be sentenced to a term of 5 to 10 years' detention."

156. Article 19 further stipulates:

> "(a) If an adolescent commits a felony punishable by death, he shall be sentenced to a term of 4 to 10 years' detention.
>
> (b) If an adolescent commits a felony punishable by hard labour for life, he shall be sentenced to a term of 3 to 9 years' detention."

Under the terms of article 94 of the Penal Code:

> "Without prejudice to the provisions of the Juvenile Reform Act:
>
> (i) Criminal proceedings shall not be brought against any person under seven years of age;
>
> (ii) No person under 12 years of age shall be held criminally responsible unless it is established that, at the time of commission of the offence, he was capable of knowing that he should not commit that offence."

157. From the above, it is evident that criminal proceedings cannot be brought against a child under seven years of age, nor can a juvenile or adolescent be sentenced to death or hard labour, since these two penalties are commuted to other lighter penalties, as stipulated in the Juveniles Act and the Penal Code. All this is fully consistent with the provisions of article 37, paragraph (a), of the Convention.

4. Physical and psychological recovery and social reintegration (art. 39)

158. Article 26, paragraph 2, of the Juveniles Act stipulates as follows:

> "The director of the reformatory, acting with the approval of the chief probation officer, may permit any juvenile placed in the reformatory to

attend any public or private institution in order to continue his academic or vocational education, provided that he returns to the reformatory after completing his daily school or vocational activity".

159. Under the terms of article 27, paragraph 1:

"At the request of the Minister, the court may release any juvenile who has been sent to any reform institution which he has approved for that purpose, if the court finds that such release is justified, on the following conditions: (i) The juvenile must have been well-behaved during his stay in the institution; (ii) The juvenile's release must not lead to his subjection to bad social influences; (iii) The probation officer in the district in which the juvenile was residing must provide him with guidance and supervision throughout the remaining period of his sentence".

Under paragraph 4 of the same article: "The director of the institution, acting with the approval of the chief probation officer, may permit juveniles of outstanding conduct to absent themselves from the institution for a period of up to one week in order to visit their families during religious holidays or, for imperative reasons, on other occasions".

160. The inmates of social welfare institutions for vagrants and children in conflict with the law are treated in a humanitarian manner, since they continue to be regarded as members of society. The aim of this treatment is to ensure the reform and academic or vocational education of the person concerned in such a way as to enable him to lead a decent life in society on completion of his sentence. Accordingly, the Ministry of Social Development has established a Directorate of Social Defence which supervises the treatment, rehabilitation, training and education of juveniles with a view to reform rather than punishment.

161. Through its various agencies, the Government is endeavouring to protect society from the dangers of crime and delinquency and to ensure the reform, rehabilitation, training and social reintegration of offenders through the following programmes:

(a) The juvenile welfare programme, the aim of which is to provide protection and counselling for juveniles through various programmes designed to avert the dangers of delinquency and vagrancy and to ensure their education, training and social reintegration so that they can become upright citizens.

(b) The institutional welfare programme for juveniles, the aim of which is to promote the social welfare and vocational training of all categories of juveniles residing in social defence institutions, which are of two types: (i) preventive institutions in which juvenile vagrants are placed in order to protect them from delinquency; (ii) remedial institutions in which convicted juveniles are placed by the competent courts.

(c) The programme to combat and curb the phenomenon of begging and vagrancy through the provision of cash assistance for needy persons in order to prevent them from engaging habitually in these practices. This is done

by establishing the social institutions needed to ascertain the situation of beggars and study their circumstances so that they and their families can be provided with assistance.

(d) The after-care programme, the aim of which is to protect society from the problems inherent in the phenomenon of a relapse into delinquency by released juveniles. A further aim of such after-care is to help rehabilitated former inmates of these institutions to find employment and overcome the problems that they face on their return to society.

(e) The social service programme at reform and rehabilitation centres (prisons), the aim of which is to provide the requisite assistance for inmates and their families.

C. Children in situations of exploitation, including physical and psychological recovery and social reintegration (art. 39)

1. Economic exploitation, including child labour (art. 32)

162. Article 6, paragraph 2, of the Jordanian Constitution stipulates that: "The State shall do everything within its power to guarantee employment and education and shall guarantee peace of mind and equality of opportunity for all Jordanians".

163. Under article 13 of the Constitution:

> "No one shall be subjected to forced labour. However, work or service may be legally required of any person: (i) in the event of an emergency, such as a state of war or the occurrence of a public danger such as a fire, flood, famine, earthquake or severe epidemic affecting human or animal life; (ii) pursuant to a court judgement, provided that the person sentenced performs such work or service under the supervision of an official authority".

164. Under article 23, paragraph 1: "All citizens shall enjoy the right to work and the State shall ensure the exercise of this right by Jordanians through its guidance and development of the national economy". Under article 23, paragraph 2:

> "The State shall protect and regulate labour through legislation based on the following principles:
>
> (a) Receipt by the worker of a wage commensurate with the quantity and quality of his work;
>
> (b) Limitation of the number of working hours per week and the granting of weekly and annual holidays with pay;
>
> (c) The granting of special benefits to workers supporting families and in the event of redundancy, sickness, disability and occupation-related emergencies;

(d) The stipulation of special conditions for the employment of women and young persons."

165. In the light of these constitutional principles, the Jordanian Labour Act No. 21 of 1960 contains the following provisions:

166. Article 2, paragraph 1 establishes: "The term 'young person' shall mean any person under 16 years of age".

167. Article 48 imposes some restrictions on the employment of young persons by stipulating as follows:

"1. No young person under 13 years of age shall be permitted to engage in formal institutional employment.

2. No young person over 13 years of age shall be permitted to engage in formal institutional employment unless he or she has obtained a certificate from a medical practitioner authorized to issue such certificates to the effect that the young person's health does not preclude such employment.

3. No young person shall engage in regular institutional employment for more than six hours per day".

168. Under article 47: "No female or young employee shall be permitted to engage in night work during the period from 8 p.m. to 5 a.m.". Article 46 specifies: "No working woman or young person shall be permitted to engage in any type of work which the regulations classify as dangerous for either of them"; and in accordance with article 53: "A fine of up to 20 dinars shall be imposed for each violation by an employer, or by a director of a formal institution, of any of the provisions contained in this section 11 or of any regulation promulgated pursuant thereto".

169. In this connection, reference can once again be made to the fact that a new Labour Act is due to be approved and ratified in the near future. One of the main provisions of the new Act prohibits the employment of young persons under 15 years of age. This is fully in keeping with Jordan's obligations in this regard under the terms of international conventions, which supplement and complement the provisions of the new Act.

2. Drug abuse (art. 33)

170. Article 4 of the Dangerous Drugs Act No. 10 of 1955 stipulates: "Any person who exports, imports or facilitates the export or import of dangerous drugs or who sells or in any way supplies them to another person shall be deemed to have committed an offence under the terms of this Act". Article 6 prohibits the preparation or manufacture of dangerous drugs, which is regarded as an offence. Article 7 prohibits the procurement of and trafficking in dangerous drugs without a permit and designates such acts as offences. Under article 16, paragraph 1: "Every offence under the terms of this Act or any

regulation promulgated pursuant thereto shall be deemed to constitute a felony and any person convicted of committing any such offences shall be punished by a term of up to 10 years' hard labour and/or a fine of up to 5,000 dinars in respect of each offence committed".

171. Under article 391 of the Penal Code: "Anyone who supplies an intoxicant to a person who is manifestly in a state of intoxication, or to a person under 18 years of age, shall be punished by a fine of up to 10 dinars".

172. Under article 392:

> "1. A penalty of imprisonment for up to one month or a fine of up to 10 dinars shall be imposed if the person supplying the intoxicant was the owner of the tavern or one of his employees.
>
> 2. If the offence is repeated, an order may be issued for the closure of the premises for a period that the court deems appropriate".

173. Article 27, paragraph 3 (a), of the Juveniles Act stipulates as follows:

> "The probation officer, acting with the approval of the Minister, may bring before the court of first instance any juvenile who has been placed in an institution designated by the Minister and who has almost completed the specified period of his sentence, if he finds that the juvenile's interests so require or if the juvenile has already been released, for the following reasons: (a) If one of his parents or his guardian is a habitual criminal, drunkard or profligate ...".

174. Under article 31:

> "A vagrant shall be deemed to be anyone to whom any of the following characteristics are applicable: (a) If he is in the care of a parent or guardian who is unfit to assume that responsibility in view of his habitual engagement in criminal activities or his addiction to intoxicants ...".

175. Under article 34, paragraph 2:

> "The probation officer may bring before a court of first instance any vagrant who has almost completed the period that he has been ordered to spend in an institution in accordance with article 32 of this Act if he feels that it would be contrary to the juvenile's interests to release him on completion of the period of his detention in the institution: (a) Due to the fact that one of his parents or his guardian is a habitual criminal, drunkard or profligate".

176. From the above, it is evident that the relevant legislation regards the import, export and manufacture of narcotic drugs, as well as trafficking therein, as an offence punishable by a deterrent penalty. It also regards addiction to, and the supply of, intoxicants as a legally punishable misdemeanour.

177. In order to protect citizens, and particularly children, from narcotic drugs, various government agencies are collaborating to explain the dangers of this scourge and stimulate public awareness with a view to combating this phenomenon.

178. From the above, it is evident that, from the early days until the present time, the Government has taken appropriate measures at the country level and has concluded numerous bilateral and multilateral agreements to ensure that none of the offences referred to in article 35 are committed. These measures include the Abolition of Slavery Act promulgated in 1929, Jordan's acceptance of the international conventions concerning prohibition of white slave traffic, and the Penal Code of 1960 (chap. VII, sect. 1, para. 3).

3. Sexual exploitation and sexual abuse (art. 34)

179. The Penal Code deals with the various aspects of this question as follows: article 292, paragraph 2: "The penalty [for rape] shall not be reduced if the victim was under 15 years of age"; article 294, paragraph 1: "Anyone who sexually assaults a female under 15 years of age shall be punished by a term of hard labour"; article 294, paragraph 2: "The penalty shall be for a term of not less than 5 years if the victim was under 12 years of age"; article 295, paragraph 1: "If a female over 15 but under 18 years of age is sexually assaulted by any of her legally designated or other ascendants, her stepfather, the husband of her paternal grandmother or anyone entrusted with her upbringing or supervision, the offender shall be punished by a term of hard labour"; article 296, paragraph 2: "The minimum sentence for rape of a male shall be 7 years if the victim was under 15 years of age"; article 298, paragraph 1: "Anyone who, without using force or threats, sexually assaults a male or female child under 15 years of age or induces him or her to engage in an indecent act shall be punished by a term of hard labour"; article 298, paragraph 2: "The penalty shall be for a term of not less than 5 years if the male or female child was under 12 years of age".

180. Article 300 makes provision for a heavier penalty for the offences referred to in articles 292, 293, 294, 296 and 298 by increasing them by one third to one half if the offender is one of the persons referred to in article 295.

181. Article 302, paragraph 5 specifies that: "The penalty shall be a term of not less than 10 years' hard labour if the victim of the abduction and rape was a married female under 15 years of age"; and article 302, paragraph 6 that: "The penalty shall be a term of not less than 7 years' hard labour if the victim of the abduction and rape was a married female over 15 years of age". In accordance with article 306: "Anyone who proposes an indecent act, or makes indecent suggestions, to a boy under 15 years of age or to a female shall be punished by a term of up to six months' imprisonment or a fine not exceeding 25 dinars".

182. Article 300 establishes:

> "A penalty of imprisonment for one month to three years, together with a fine of 5 to 50 dinars, shall be imposed on anyone who panders or attempts to pander ... (ii) by inducing a female to become a prostitute

in or outside the Kingdom, or (iii) by inducing a female to leave the Kingdom in order to reside in or frequent a house of prostitution, or (iv) by inducing a female to leave her normal place of residence, other than a house of prostitution, in the Kingdom in order to reside in or frequent a house of prostitution in or outside the Kingdom or to engage in prostitution, or (v) by inducing a person under 15 years of age to commit an act of sodomy with him".

183. Article 311 provides that:

"A penalty of imprisonment for one to three years shall be imposed on anyone who: (i) through threats or intimidation, induces or attempts to induce a female to engage in illicit intercourse in or outside the Kingdom; (ii) through false pretence or any means of deception, induces a female, who is not already a prostitute or well known for her immorality, to engage in illicit intercourse with another person".

184. Under article 314: "Anyone who, being entrusted with the care of a child from 6 to 16 years of age, permits the said child to reside in or frequent a house of prostitution shall be punished by up to 6 months' imprisonment or a fine not exceeding 20 dinars".

185. An examination of the above-mentioned provisions clearly shows that the Penal Code deals with the question referred to in article 34 of the Convention.

4. Other forms of exploitation (art. 36)

186. Through its various agencies concerned, the Government protects children from any form of exploitation detrimental to any aspect of their well-being.

5. Sale, trafficking and abduction (art. 35)

187. In 1929, Jordan promulgated a legislative enactment known as the "Abolition of Slavery Act", article 2 of which declared slavery abolished in all parts of Transjordan, as the country was known at that time. Article 5 of this Act stipulated as follows:

"Anyone who, following the entry into force of this Act, (i) purchases a person in order to sell, exchange or give him to another person or takes him in order to own him or treat him as a slave; ... (iii) brings any person, or induces such person to come, to Transjordan so that he can be bartered, bought, sold, exchanged, or given to another person as a pledge or security for a debt or (iv) takes or sends any person out of, or induces a person to leave, Transjordan so that he can be bartered, bought, sold, exchanged or given to another person as a pledge or security for a debt; shall be sentenced, on conviction by a court of first instance, to a term of up to three years' imprisonment".

A decree accepting the White Slave Traffic Convention was promulgated on 1 May 1931.

188. Under article 302 of the Penal Code:

"Anyone who, using deception or coercion, abducts a male or female person and absconds with him or her to another place shall be liable to the following penalties: (i) Two to 3 years' imprisonment if the person abducted in this way was a male under 15 years of age; (ii) a term of hard labour if the person abducted in this way was a female; (iii) a term of not less than five years' hard labour if the person abducted was a married female, regardless of whether she was under or over 15 years of age; (iv) a term of not less than 10 years' hard labour if the male or female person abducted was raped or sexually assaulted; (v) a term of not less than 10 years' hard labour if the female person abducted, being married and under 15 years of age, was raped."

D. Children belonging to a minority or to an indigenous group (art. 30)

189. The majority of Jordan's population (98 per cent) are of Arab, that is to say indigenous origin. Small groups of non-Arab ethnic origin, who hardly constitute more than 2 per cent of the total population, arrived in Jordan in the late 1870s, mainly from the Caucasus region (areas within the former Soviet Union). Those groups consisted of Circassians, Shishan and Daghestanis, and others came from elsewhere (Armenians, Kurds, Turks, etc.).

190. In practice, these ethnic distinctions have no tangible effect on everyday life in Jordanian society, since the ethnic and religious minorities enjoy complete freedom to exercise all their religious, educational, political and cultural rights on an equal footing and have their own schools, clubs and charitable associations. The non-Muslim religious communities also have their own places of worship, as well as their own laws and courts which are competent to hear any disputes arising between members of those communities in connection with matters of personal status falling within the jurisdiction of the religious courts. They are free to engage in their religious observances, to bring up and educate their children in accordance with the teachings of their religion, and to publicly proclaim their religious faith.

191. This report has been prepared in accordance with the general guidelines regarding the form and content of initial reports to be submitted by States parties under article 44, paragraph 1 (a), of the Convention, which were adopted by the Committee at its 22nd meeting (first session) on 15 October 1991.

References 2/

1. Size of population, by governorate and sex, in 1991.

2. Size of population, by sex and age group, in 1991.

3. Children's institutions run by the Ministry of Social Development, classified by absorption capacity and number of beneficiaries, at the end of 1991.

4. Special education centres run by the Ministry of Social Development, classified by category of disability, type of service, number of beneficiaries and sex, in 1991.

5. Special education centres in the private and voluntary sectors, classified by category of disability, type of service and number of beneficiaries.

6. Treatment centres, classified by category of disability, number of patients and sex, in 1991.

7. Percentage enrolment in the overall education system, by level, sex and age group, in the academic year 1990/91.

8. Breakdown of students, by age and sex, in the academic year 1990/91.

9. Students at centres for adult education and the eradication of illiteracy, by sex and age, in the academic year 1990/91.

10. Breakdown of students in urban and rural areas, by sex, in the academic year 1990/91.

11. Number of juvenile delinquents, by region, age group and sex, in 1991.

12. Number of young persons living in or attending juvenile reform institutions, by age group, at the end of 1991.

13. Number of prisoners whose situation has been studied at social service offices in reform centres run by the public security authorities with a view to providing them with the requisite social services, up to the end of 1991.

2/ This reference documentation is available for consultation in Arabic in the archives of the secretariat.